

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN  
APPLICATION DATA SHEET (37 CFR 1.76)**

**Title of Invention** | 4,7-DISUBSTITUTED INDOLES AND METHODS OF MAKING

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
- ☒ Application No. 10/608,949, filed on June 26, 2003,
- ☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor 1 Phil B. Alper Date: 12/08/03

Signature: [Signature] Citizen of: U.S.

Inventor 2 Khanh Linh T. Nguyen Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: U.S.

Inventor 3 \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor 4 \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

☐ Additional inventors are being named on form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2

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**FULL NAME OF INVENTOR(S)**

Inventor 1 Phil B. Alper Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: U.S.

Inventor 2 Khanh Linh T. Nguyen Date: 12/07/2003

Signature: [Signature] Citizen of: U.S.

Inventor 3 \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

Inventor 4 \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Citizen of: \_\_\_\_\_

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Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>POWER OF ATTORNEY OR AUTHORIZATION OF AGENT</b>	<b>Applicati n Number</b>	10/608,949
	<b>Filing Date</b>	June 26, 2003
	<b>First Named Inventor</b>	Phil B. Alper
	<b>Title</b>	4,7-DISUBSTITUTED INDOLES AND METHODS OF MAKING
	<b>Group Art Unit</b>	1626
	<b>Examiner Name</b>	Unknown
	<b>Attorney Docket Number</b>	021288-000510US

I hereby appoint:

☒ Practitioners at Customer Number

20350

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number

☐ Firm or  
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name

Signature

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
60055650 v1

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Phil B. Alper and Khanh Linh T. NguyenApplication No./Patent No.: 10/608,949Filed/Issue Date: June 26, 2003Entitled: 4,7-DISUBSTITUTED INDOLES AND METHODS OF MAKINGIRM LLC, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To : \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

**(NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/9/03

Date

Timothy L. Smith, J.D., Ph.D.

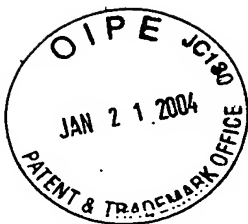
Typed or printed name

Signature

General Counsel of AttorneyDirector of Intellectual Property

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.



## POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That IRM LLC, a limited liability company organized under the laws of Delaware ("IRM"), does hereby make, constitute and appoint TIMOTHY L. SMITH, Reg. No. 35,367, of the GENOMICS INSTITUTE OF THE NOVARTIS RESEARCH FOUNDATION ("GNF"), dba the NOVARTIS INSTITUTE FOR FUNCTIONAL GENOMICS, Inc. ("NIFG"), 10675 John Jay Hopkins Drive, Suite E225, San Diego, CA 92121, its true and lawful attorney, for it and in its name, place and stead, with full power of substitution to represent and act for it in all matters pertaining to the filing and prosecution of patent applications in the United States and internationally, and in general to do all things and to perform on the part of IRM all acts as such attorney determines are necessary or advisable, including, without limitation, the appointment of attorneys to file and prosecute a patent application, signing a reply to an Office action, requesting a continued prosecution application, acquiescing to express abandonment of an application, signing of a terminal disclaimer, consenting to the filing of a reissue application, consenting to correction of inventorship, signing an issue fee transmittal, and signing all other documents, agreements, assignments, and instruments required, contemplated by or deemed advisable in connection with this Power of Attorney, and otherwise to act for and in the name of IRM and in its behalf with respect to the transactions described herein fully as if the duly authorized officers of IRM were then personally present and acting.

IRM hereby ratifies and confirms all that said attorneys or their substitutes shall lawfully do, or cause to be done, by virtue hereof.

IN WITNESS WHEREOF, IRM has caused this Power of Attorney to be signed by its officer thereunto duly authorized this 15 day of ~~March~~ *April*, 2003

IRM LLC

By: B. Aebischer J. Reinhardt

Name : B. Aebischer

J. Reinhardt

Title: Secretary

President

## ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Phil B. Alper, of 12184 Pepper Tree Lane, Poway, CA 96024 and Khanh Linh T. Nguyen, of 4860 Baroque Terrace, Oceanside, CA 92057, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: 4, 7-DISUBSTITUTED INDOLES AND  
METHODS OF MAKING

Date(s) of execution of Declaration:

Filing Date: June 26, 2003

Application No.: 10/608,949; and

WHEREAS, IRM LLC, a Delaware Limited Liability Company, c/o Sophia House, 48 Church Street, Hamilton, Bermuda, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

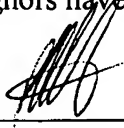
For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 12/8/03

  
\_\_\_\_\_  
Phil B. Alper

SIGNATURE WITNESSED BY:

(1) Dated: 12/8/03

Adriana Roman  
Adriana Roman

(2) Dated: 12/8/03

Ophelia Rozado

Dated: \_\_\_\_\_

\_\_\_\_\_  
Khanh Linh T. Nguyen

SIGNATURE WITNESSED BY:

(1) Dated: \_\_\_\_\_

\_\_\_\_\_

(2) Dated: \_\_\_\_\_

\_\_\_\_\_

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Phil B. Alper

SIGNATURE WITNESSED BY:

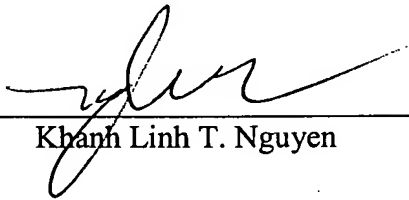
(1) Dated: \_\_\_\_\_

\_\_\_\_\_

(2) Dated: \_\_\_\_\_

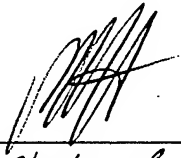
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Dated: 12/07/2003

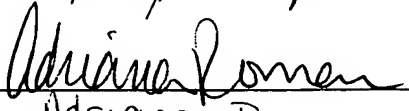
  
\_\_\_\_\_  
Khanh Linh T. Nguyen

SIGNATURE WITNESSED BY:

(1) Dated: 12/10/03

  
\_\_\_\_\_  
Phillip B. Alper

(2) Dated: 12/10/03

  
\_\_\_\_\_  
Adriana Roman